

AMENDMENTS TO THE DRAWINGS:

A replacement sheet containing Figures 1 and 2 is submitted replacing original Figures 1 and 2 by adding a clock to both of these figures.

REMARKS

The application is believed to be in condition for allowance for the reasons set forth below.

A replacement drawing is submitted for Figures 1 and 2 adding the clock to the subscriber terminal 130 as disclosed at least on paragraph [0043] and on page 17, lines 20-21, paragraph [0050] of the application as filed. The above change is the only change and is believed not to introduce new matter.

Claims 37-50, 52-65, 67, 68, 70-83, 85, 87, 89 and 91 are pending in the application.

Claims 37-43, 49, 52-58, 64, 67, 68 and 70-81 were rejected under 35 USC 103(a) as being unpatentable over NOREEN et al. U.S. Pub. No. 2002/0183059 in view of YAMAGUCHI et al. U.S. Pub. No. 2002/0154699. That rejection is respectfully traversed.

The Official Action recognizes that NOREEN does not disclose obtaining permission to use the broadcast programme-associated data and that permission to use the broadcast programme-associated data is timed in relation to a clock in the subscriber terminal.

Paragraph [0065], lines 1-31 YAMAGUCHI is offered for obtaining permission to use the broadcast programme-associated data, and element 23 in Figures 1 and 2 and the abstract of YAMAGUCHI are offered as disclosing that permission to use the broadcast programme-associated data is timed in relation to a clock in the subscriber terminal.

The position set forth in the Official Action is that the reproduction time control unit of YAMAGUCHI meets the recited clock and that it would have been obvious to use the teachings of YAMAGUCHI in the system of NOREEN in order to maintain a traffic load in the system while providing better security for the subscribers.

However, this position is believed to be untenable for at least the following reasons.

First, the reproduction time control unit of YAMAGUCHI does not meet the recited clock.

In Figures 1 and 2 of YAMAGUCHI, the reproduction time control unit 23 is only connected to a synthesis results accumulating unit 22. Paragraph [0080] of YAMAGUCHI discloses this relationship as follows: "A reproduction time control unit is means for reproducing the synthesized picture or sound at the time for starting reproduction."

Paragraph [0088] further explains that a display monitor thread 42 as shown in Figure 4 of YAMAGUCHI corresponds with the reproduction time control unit 23. The results of synthesis is accumulated in a synthesis buffer 41 corresponding to the synthesis result accumulation unit 22, thereby waiting in display wait state until reaching the display time. Therefore, the reproduction unit of YAMAGUCHI does not meet the recited clock.

As previously pointed out in the amendment of November 5, 2007, third full paragraph, paragraph [0065] of YAMAGUCHI is related to limiting the expansion quality of the reproduced picture and discloses that accounting information (information regarding whether an account is paid, otherwise processing or expanding is not done) may be controlled at the reception terminal side, or the accounting information may be controlled at the transmission side. Such a disclosure is not relevant to obtaining permission to use broadcast programme-associated data.

In any event, YAMAGUCHI fails to link together the feature of giving permission and the time of starting the reproduction. Any assertion to the contrary is not supported by the disclosure of YAMAGUCHI, and rather, is based on hindsight reconstruction by picking and choosing among isolated disclosures in the prior art to deprecate the claimed invention.

In view of the above, it is apparent that the proposed combination of references does not meet the present claims.

Claims 44-47, 50, 59-62 and 65 were rejected under 35 USC 103(a) over NOREEN in view of YAMAGUCHI and further in view of TATSUJI et al. U.S. Pub. No. 2002/0151271. That rejection is respectfully traversed.

TATSUJI is only cited with respect to features of the dependent claims. TATSUJI does not overcome the shortcomings of NOREEN and YAMAGUCHI set forth above with respect to claims 37 and 52. Since claims 44-47, 50, 59-62 and 65 depend from claim

37 or 52 and further define the invention, these claims are believed patentable at least for depending from an allowable independent claim.

Claims 48 and 63 were rejected under 35 USC 103(a) over NOREEN in view of YAMAGUCHI and TATSUJI and further in view of NEWELL et al. U.S. Pub. No. 2002/0142764. That rejection is respectfully traversed.

NEWELL is only cited with respect to features of dependent claims 48 and 63. NEWELL does not overcome the shortcomings of NOREEN and YAMAGUCHI set forth above with respect to claims 37 and 52. Since claims 48 and 63 depend from claim 37 and 52 respectively and further define the invention, claims 48 and 63 are believed patentable at least for depending from an allowable independent claim.

Claims 82 and 91 were rejected under 35 USC 103(a) as allegedly being unpatentable over NOREEN in view of YAMAGUCHI and further in view of LANGBERG et al. 5,852,630. That rejection is respectfully traversed.

Claim 82 recites that permission to use the broadcast programme-associated data is timed in relation to a clock in the subscriber terminal.

As set forth above, NOREEN in view of YAMAGUCHI do not teach or suggest this feature. LANGBERG is only cited with respect to implementing a method and apparatus using software stored on a computer readable medium. LANBERG does not disclose

that permission to use the broadcast programme-associated data is timed in relation to a clock in the subscriber terminal.


The above-noted feature is missing from each of the references, is absent from the combination, and thus, the proposed combination of references does not meet the present claims.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

 Reg No. 44,231

Liam McDowell, Reg. No. 44,231
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

LM/lk

Appendix:

The Appendix includes the following item:

- replacement sheet for Figures 1 and 2